

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, NOVEMBER 7, 2013
REGULAR MEETING – 6:30 p.m.**

**BRADLEY HILLGREN
Chair**

**LARRY TUCKER
Vice Chair**

**KORY KRAMER
Secretary**

FRED AMERI

TIM BROWN

RAYMOND LAWLER

JAY MYERS

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF OCTOBER 17, 2013

Recommended Action: Approve and file

VII. STUDY SESSION

ITEM NO. 2 BACK BAY LANDING PCDP AND EIR (PA2011-216)

Site Location: 300 E. Coast Highway

Summary:

The proposed project involves amendments to the General Plan and Coastal Land Use Plan to change the land use designations to a Mixed-Use Horizontal designation and a Planned Community Development Plan (PCDP) to establish appropriate zoning regulations and development standards. The requested approvals will provide for a horizontally distributed mix of uses, including recreational and marine commercial retail, marine office, marine services, enclosed dry stack boat storage, and a limited mix of freestanding multi-family residential and mixed-use structures with residential uses above the ground floor. In addition to the land use amendments, other requested approvals are a Lot Line Adjustment and Traffic Study pursuant to the City's Traffic Phasing Ordinance. Specific project design and site improvement approvals will be sought at a later time.

Recommended Action:

1. Review and discuss. No formal action required.

VIII. NEW BUSINESS

ITEM NO. 3 LCP IMPLEMENTATION PLAN (PA2013-001)

Site Location: City-wide

Summary:

An update on the Local Coastal Program (LCP) certification effort, including an overview of the Coastal Act and a progress report of the drafting of the LCP Implementation Plan.

Recommended Action:

1. Review and discuss. No formal action required.

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 4 MOTION FOR RECONSIDERATION

ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Committee Updates:

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

**ITEM NO. 6 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT**

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT

November 7, 2013, Planning Commission Agenda Comments

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 1 Minutes of October 17, 2013

The following minor corrections to the draft minutes are suggested:

Page 4, paragraph 3: “*Jim Mosher expressed concerns that the current code has strong protections against the impact of facilities on public private as well as private public views. He referenced his written comments relative to the process for problematic applications and protecting private interests. He added that staff is supposed to receive visual simulations of projects and that the Commission City Council is supposed to consider the views from both public areas and private residences. He felt that the Commission should be able to deny a project based on obstruction of both public and private views.*”

Page 4, paragraph 7: “*Commissioner Brown noted concerns with setting precedence precedent with protecting private views.*”

Page 5, paragraph 3: “*He added that it is burdensome to perform and that wireless facilities provide emergencies emergency service providers with its frequency so that interference will not occur.*”